IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 20717 of 2007(N)

CRIME NO.130 OF 2007 OF MANANTHAVADY POLICE STATION
ST.669/2007 of J.M.F.C.-II, MANANTHAVADY

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PETITIONER:

NAZAR, AGED 42 YEARS,
S/O.AHAMMED, CHERUVERI HOUSE,
ERUMATHERUVU,
MANANTHAWADY, WAYANADU.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENTS: RESPONDENTS

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1. K.P.KHALID, AGED 35 YEARS,
S/O.MOMMU HAGI,KUTTIPURAVAN HOUSE,
KATTAYADU,VELLAMUNDA, WAYANADU.

2. K.P.MOIDU, AGED 42 YEARS,
S/O.MOMMU HAGI,KUTTIPURAVAN HOUSE,
KATTAYADU,VELLAMUNDA,WAYANADU.

3. THE SUB INSPECTOR OF POLICE,
MANANTHAWADY POLICE STATION, WAYANADU.

R1 & 2 BY ADV. SRI.KRISHNA PRASAD. S
R3 BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 20717 of 2007 N

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Dated this the 27th day of September, 2007

JUDGMENT

The petitioner faces indictment in a prosecution under Section 138 of the N.I. Act. According to the petitioner, the offence of theft and allied offences were committed by the complainant in the Section 138 prosecution in respect of the said cheque. He has filed a complaint before the police. The police have registered Crime No.130 of 2007 of Manantoddy police station in respect of that allegation. The petitioner has come to this court with a short prayer that there may be a direction for expeditious completion of the investigation in Crime No.130 of 2007.

2. The learned counsel for the petitioner submits that the sequence of events in this case must convince this Court that it is not a retaliatory allegation raised by the petitioner, but consistently even before the cheque was presented allegation of theft of cheque had been raised. The learned counsel further submits that the S. 138 prosecution, which has been initiated as late as on 24.3.2007, is unlikely to come up for trial in the immediate future. By the time

S.T. 669 of 2007 becomes ripe for trial, this investigation has to be completed and the petitioner has come to this court bonafide with a prayer for immediate investigation, so that by the time S. 138 prosecution becomes ripe for trial, the allegation raised by the petitioner in Crime No.130 of 2007 can also be disposed of along with that.

3. Notice was given to the learned Prosecutor. The learned counsel for the complainant in the S.138 prosecution has also entered appearance. The learned counsel for the complainant submits that there may be a direction for expeditious completion of the investigation in Crime No.130 of 2007.

4. The learned Prosecutor, after taking instructions, submits that the needful is being done and the investigation shall be completed as expeditiously as possible, at any rate, within a period of six months from this date. I accept the submissions of the learned Prosecutor. The needful shall be done and the final report shall be filed in Crime No.130 of 2007 as expeditiously as possible, at any rate, within a period of six months from this date. Six months is the outer limit that I fixe for completion of the investigation and I expect the Investigating Officer to complete the investigation much before the elapse of six months.

5. There shall be a further direction that trial in S.T. 669 of 2007 shall not be taken up within a period of six months from this date.

6. This Writ Petition is accordingly allowed. The above directions are issued.

(R. BASANT)
Judge

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